

REMARKS

1. Status of claims

After entry of the above amendment, claims 1, 8-10, 32-37, 44, and 48-50 are pending, of which claim 9 has been withdrawn.

2. Support for amendment

The above amendment finds support in the specification at p. 14, line 22 to p. 15, line 20. No new matter has been added by this amendment.

3. Claim rejections under 35 U.S.C. 103

First, the Examiner rejected claims 1, 8, 10, 32-33, 36-37, 44, and 48 under 35 U.S.C. 103(a) as being unpatentable over Constantz, US 5,047,031 (“Constantz”). In light of the above amendment, Applicant requests this rejection be removed.

Specifically, all pending claims, as amended, recite cross-linked Type I and Type III collagen. In contrast, Constantz fails to teach or suggest cross-linking any material, much less collagen. Moreover, nowhere does Constantz even identify Type I and Type III collage, much less teach or suggest they be cross-linked and included in a bone growth composition. Therefore, Constantz cannot render obvious the claims as a whole, and Applicant requests this rejection of claims 1, 8, 10, 32-33, 36-37, 44, and 48 be withdrawn.

Second, the Examiner rejected claims 1, 8, 10, 32-33, 36-37, 44, and 48 under 35 U.S.C. 103(a) as being unpatentable over Constantz in view of Damien et al., US 5,563,124 (“Damien”). The deficiencies of Constantz have been discussed above. Moreover, with the exception of a single mention of Type I collagen, Damien does not cure these deficiencies, as it too fails to

teach or suggest cross-linking, let alone cross-linking collagen, even further let alone cross-linking Type I and Type III collagen. Therefore, Constantz and Damien, taken together, cannot render obvious the claims as a whole, and Applicant requests this rejection of claims 1, 8, 10, 32-33, 36-37, 44, and 48 be withdrawn.

4. *Conclusion*

Applicant submits all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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November 20, 2006

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